

REMARKS

Response to Advisory Action of June 8, 2005

In the Advisory Action, the Examiner denies entry of the claim amendments submitted with the Reply of May 23, 2005, because the amendments allegedly do not place the application in better form for appeal. Applicants disagree. Clearly, the amendments reduce the number issues for appeal, for example, by eliminating at least most issues raised in the rejection under 35 USC §112, second paragraph. In fact, applicants assert that the prior amendments and arguments eliminated all issues raised in the rejection under 35 USC §112, second paragraph.

In the Advisory Action, the Examiner argues that "compounds of formulae (III-VII) are additional compounds in claims 2 and 31." Applicants do not dispute that formulas III-VII are not expressly recited in claim 1. However, contrary to the implication from the Examiner's statement, the prior language of claims 2 and 31 did not suggest otherwise, i.e., that compounds of formulae (III-VII) were not in addition to the compounds recited in claim 1, from which claims 2 and 31.

Since a dependent claim by definition incorporates all of the features of the claims from which it depends, it is respectfully submitted that the language of claims 2 and 31 as presented in the May 23, 2005 Reply was clear and definite. The same is true for claims 10, 12 and 13. If an independent claim does not expressly recite a formula encompasses a group of compounds, and then if this group of compounds is recited in a dependent claim there are clearly "additional" compounds.

The Examiner's comments do not suggest that one of ordinary skill in the art would not be able to readily recognize whether a given embodiment was inside or outside the literal language of the claims. Thus, the comments present no rationale for asserting that the language is somehow indefinite.

In any event, claims 2, 10, 12, 13, and 31 are amended to recite "additional" compounds with regards to compounds of formulas II, III, IV V, VI, VIa, VIb, VII, VIIb, IXa, IXb, and/or Xa. Also, the claim status identifies for claims 13 and 20 have been corrected as per the Examiner's suggestion.

The following comments/arguments are reproduced from the May 23, 2005 Reply.

Amendments

Claim 2 is amended to reinsert formulas II and VII. Applicants had previously deleted these formulas from claim 2 because they are already presented in claim 1, from which claim 2 depends.

With regards to claim 8, this claim has been cancelled and replaced by new claim 31. New claim 31 is dependent on claim 1, rather than claim 2. Also, claim 9 is amended to depend from claim 31, rather than cancelled claim 8.

With respect to claim 10, section e) is amended to correct an obvious typographical error, namely formula (VIIa) is changed to formula (VIIIa). Also, claim 10 is amended to recite "contains," rather than "further comprising." Finally, claim 19 is amended to insert "further" as requested by the Examiner, and claims 19 and 20 are amended to correct the notations n and q, and g and u, respectively.

These amendments do not narrow the scope of the claims, nor do they raise issues requiring further search and/or any more than brief consideration. Moreover, these amendments clearly place the application in condition for allowance.

Rejection under 35 USC §112, second paragraph

Claims 2, 4-10, 12, 13, 19, 20, and 29 are rejected as allegedly being indefinite. This rejection is respectfully traversed.

Contrary to the assertion in the rejection, the prior version of claim 2 was not vague. The prior version of claim 2 did not expressly recite formulas II and VIII because it was unnecessary. Formulas II and VIII were already presented in claim 1, and since claim 2 was dependent on claim 1, the former incorporated all of the features recited in the latter.

The Examiner is correct that claim 8 was improperly depended from claim 2. Applicants have now cancelled claim 8 and replaced it with new claim 31. New claim 31 is dependent on claim 1, rather than claim 2.

With respect to claim 10, section e) is amended to correct an obvious typographical error, namely formula (VIIa) is changed to formula (VIIIa). Also, claim 10 is amended to recite

"contains" rather than "further comprising." It should be noted that claim 10 encompasses embodiments wherein the medium contains a compound of formula VIIIa in addition to the one or more compounds of formula VIII that it may contain pursuant to the recitation in claim 1 that the medium contains "one or more compounds selected from formula (II) and formula (VIII)." Claim 10 also encompasses embodiments wherein the medium contains a compound of formula VIIIa, which satisfies the feature "one or more compounds selected from formula (II) and formula (VIII)" recited in claim 1 and satisfies the feature recited in section e) of claim 10.

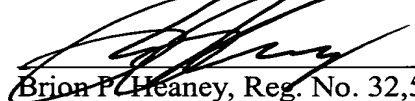
It is not necessary for claim 12 to use the language "additionally comprising" or "further comprising," and the claim is not indefinite for failure to use this language. In fact, the term "contains" is more appropriate, in light of the Examiner's comment that the compound of section e1) need not be an additional compound.

Claim 12 is dependent on claim 1, and thus incorporates all of the features recited in claim 1. Claim 12 is properly dependent on claim 1 since it provides further details as to what the medium contains. As with claim 10, claim 12 encompasses embodiments wherein the medium contains a compound of formula VIIIa in addition to the one or more compounds of formula VIII that it may contain pursuant to the recitation in claim 1 that the medium contains "one or more compounds selected from formula (II) and formula (VIII)." Similarly, Claim 12 also encompasses embodiments wherein the medium contains a compound of formula VIIIa, which satisfies the feature "one or more compounds selected from formula (II) and formula (VIII)" recited in claim 1 and satisfies the feature recited in section e1) of claim 12.

In view of the above remarks, withdrawal of the rejection is respectfully traversed.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


Brion P. Heaney, Reg. No. 32,542
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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